APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EVERETT M. GILMORE, JR., ET AL.,
Plaintiffs

v.

JESSE JAMES, State Treasurer of Texas, Et Al.,
Defendants

NO. CA-3-1777

JUDGMENT

ON August 3, 1967, this matter came on for trial on the merits before the Honorable Irving L. Goldberg, Circuit Judge, Honorable W. M. Taylor, Jr., District Judge, and Honorable Sarah T. Hughes, District Judge, sitting as a three-judge court convened pursuant to the provisions of 28 U.S.C.A. §2284. All issues having been duly heard by the Court, and the Court having considered the pleadings, evidence, stipulations, admissions of the parties, and the briefs and arguments of counsel, the Court, on August 30, 1967, duly rendered its Opinion in this matter. In accordance with the Opinion previously rendered by the Court, and because the Court has concluded that Section 1, of Article 6252-7 of the Revised Civil Statutes of Texas, is unconstitutional as applied to prospective teachers, professors, and other employees of the State of Texas

or educational institutions supported by the State of Texas, and that unless restrained defendants will continue to enforce its provisions, with resulting irreparable loss and injury;

IT IS ORDERED, ADJUDGED AND DECREED

(a) That the defendants, Jesse James, Treasurer of the State of Texas, Robert Calvert, Comptroller of Public Accounts of the State of Texas, Board of Regents of the University of Texas, and the Trustees of the Dallas County Junior College, and their successors in office, and any and all persons acting under their direction or control, or in concert with them, are hereby permanently restrained and enjoined from enforcing Section 1, of Article 6252-7 of the Revised Civil Statutes of Texas, with respect to professors and teachers seeking employment in educational institutions supported by the State of Texas, and with respect to prospective employees of the State of Texas, and in any other manner applying the oath prescribed by Section 1, of Article 6252-7 as a condition of employment for prospective teachers, professors, or other employees of the State of Texas or educational institutions supported by the State of Texas, and further enjoined from enforcing said oath as a condition of employment for plaintiffs Everett M. Gilmore, Jr., Michael Kahn and Thomas Mantle;

(b) That pursuant to the provisions of 28 U.S.C.A. 2201, 2202, the Court grants declaratory judgment, declaring Section 1, of Article 6252-7 of the Revised Civil Statutes of Texas, unconstitutional insofar as it prescribes the execution of an oath as a condition of employment for prospective employees of the State

of Texas and educational institutions supported by the State of Texas;

(c) That plaintiff Everett M. Gilmore, Jr. have and recover as damages the sum of $150.00 from the defendant, Dallas County Junior College, which sum has been previously deposited with the Clerk of the Court, and the Clerk is hereby instructed to release said sum to the plaintiff Gilmore;

(d) That the relief sought by plaintiffs, Robert Palter, Stuart Pullen, and Cameron Cunningham is denied;

(e) Costs are taxed against the defendants;

(f) All parties except to all rulings adverse to them.

SIGNED and ENTERED this 7th day of September, 1967.

W. M. TAYLOR, JR.
Judge, United States District Court, Northern District of Texas.